

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

ROBUR OTERO CARRASQUILLO,  
et al.,

Plaintiffs,

v.

PHARMACIA CORPORATION, et al.,

Defendants.

Civil No. 03-1651 (JAF)

**O R D E R**

This case began on June 6, 2003, when Plaintiffs Robur Otero Carrasquillo, María T. Negrón Cedeño, their conjugal partnership, and their daughter, Jennifer Marie Otero Negrón, filed a complaint against Defendants Pharmacia Corporation, Zaida Sanabria, and several unknown defendants, alleging violations of ERISA and Puerto Rico law, 31 L.P.R.A. § 5141 ("Article 1802"). Docket Document No. 1. On August 16, 2005, this court issued an order and opinion, ordering Defendant Pharmacia to pay Plaintiffs \$2,500.00 for failing to provide certain requested documents within thirty days, granting Pharmacia's motion for summary judgment on Plaintiffs' ERISA claims, and dismissing Plaintiffs' Article 1802 invasion of privacy claim without prejudice. Docket Document No. 94. Plaintiffs appealed the judgment, Docket Document Nos. 96, 117, and the First Circuit affirmed on January 30, 2007, Docket Document No. 128.

On April 12, 2007, Plaintiffs filed an amended complaint against Defendants in Puerto Rico court, alleging (1) medical

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1 malpractice, (2) invasion of privacy, and (3) damages for  
2 intentional and fraudulent actions. Docket Document No. 136-2.  
3 Defendants moved this court for a permanent injunction enjoining  
4 Plaintiffs from re-litigating their damages claim in Puerto Rico  
5 court on May 1, 2007. Docket Document No. 131-1. Plaintiffs  
6 opposed the motion on May 25, 2007. Docket Document No. 138-1.  
7 Defendants replied on June 5, 2007. Docket Document No. 140.  
8 Plaintiffs sur-replied on June 14, 2007. Docket Document No. 144.

9 On May 25, 2007, Plaintiffs filed a second amended complaint  
10 in Puerto Rico court, removing the cause of action for damages,  
11 leaving only the medical malpractice and invasion of privacy claims.  
12 Docket Document No. 145-4. Defendants state that they "are not  
13 seeking any injunctive relief either as to plaintiffs' invasion of  
14 privacy claim, nor as to their newly included medical malpractice  
15 claim." Docket Document No. 40. We, therefore, find Defendants'  
16 motion seeking a permanent injunction enjoining Plaintiffs from re-  
17 litigating their damages claim to be moot.

18 We hereby **DENY** Defendants' motion for injunctive relief, Docket  
19 Document No. 131-1.

20 **IT IS SO ORDERED.**

21 San Juan, Puerto Rico, this 24<sup>th</sup> day of August, 2007.

22 S/José Antonio Fusté  
23 JOSE ANTONIO FUSTE  
24 Chief U.S. District Judge